

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CB AVIATION, LLC,

Plaintiff,

v.

HAWKER BEECHCRAFT CORP.,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 2:10-cv-1411-JD

ORDER

AND NOW, this 8th day of November, 2011, upon consideration of Defendant Hawker Beechcraft Corporation's Second Motion for Summary Judgment (Document No. 35, filed September 2, 2011), CB Aviation, LLC's Response in Opposition to Hawker Beechcraft Corporation's Second Motion for Summary judgment (Document No. 40, filed September 16, 2011), Defendant's Motion for Leave to File Reply to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Document No. 43, filed September 30, 2011), CB Aviation, LLC's Response to Hawker Beechcraft Corporation's Motion for Leave to File a Reply (Document No. 44, filed October 17, 2011), Plaintiff CB Aviation, LLC's Motion for Partial Summary Judgment (Document No. 37, filed September 2, 2011), and Defendant Hawker Beechcraft Corporation's Response to Plaintiff's Motion for Summary Judgment (Document No. 38, filed September 16, 2011), for the reasons set forth in the Memorandum dated November 8, 2011, **IT IS ORDERED** as follows:

1. Defendant's Motion for Leave to File Reply to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Document No. 43) is **GRANTED**;

2. Defendant Hawker Beechcraft Corporation's Second Motion for Summary Judgment (Document No. 35) is **DENIED IN PART** and **GRANTED IN PART**. Defendant's motion is **GRANTED** with respect to plaintiff's claim for rescission and **DENIED** in all other respects;

3. Plaintiff CB Aviation, LLC's Motion for Partial Summary Judgment (Document No. 37) is **DENIED IN PART** and **GRANTED IN PART**. Plaintiff's motion is **GRANTED** with respect to plaintiff's breach of express warranty claim and **DENIED** in all other respects.

BY THE COURT:

_____/s/ Jan E. DuBois_____

JAN E. DUBOIS, J.